

PROVIDING FOR THE CONVEYANCE OF CERTAIN LANDS WHICH ARE A PART OF THE DES PLAINES PUBLIC HUNTING AND REFUGE AREA AND THE JOLIET ARSENAL MILITARY RESERVATION, LOCATED IN WILL COUNTY, ILL., TO THE STATE OF ILLINOIS

JULY 23, 1959.—Ordered to be printed

Mr. MUSKIE, from the Committee on Government Operations, submitted the following

R E P O R T

[To accompany S. 747]

The Committee on Government Operations, to whom was referred the bill S. 747, to provide for the conveyance of certain lands known as the Des Plaines Public Hunting and Refuge Area to the State of Illinois, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is in the nature of a substitute.

PURPOSE

S. 747, as amended, would (1) authorize and direct the Administrator of General Services to convey to the State of Illinois approximately 946 acres of surplus land in Will County, Ill., at a consideration of \$303 per acre, or a total of \$286,638, for wildlife, conservation, and recreational purposes; and (2) authorize and direct the Secretary of the Army, contingent upon the State's purchase of the 946-acre tract at the price provided for, to convey to the State of Illinois approximately 1,500 acres of land in Will County, Ill., directly contiguous to the 946-acre tract, without consideration, for wildlife, conservation, and recreational purposes. In the case of both transfers, the instrument of conveyance would be required to provide that if the property ceased to be used for wildlife, conservation, and recreational purposes, it would revert immediately to the United States. However, in the case of the 946-acre tract, provision is made for the relinquishment by the Administrator of General Services of the reversionary interest of the United States at the request of the grantee upon payment to the United States of the fair market value thereof at the

time of relinquishment. Furthermore, title to this tract would be conveyed subject to such easements for railroad rights-of-way as the Administrator of General Services deems appropriate and necessary for the provision of railroad services to the purchasers of adjoining tracts from the United States.

With respect to the 1,500-acre tract, it is further provided that the instrument of conveyance shall (1) reserve to the United States all oil, gas, and mineral rights in the property; (2) reserve such improvements, rights-of-way, easements, and other interests as the Secretary of the Army determines should be retained in the Public interest; and (3) shall contain a provision to provide that, in the event of a congressional declaration of a state of war or other national emergency or a Presidential declaration of a state of emergency, and upon the determination of the Secretary of Defense that the property is useful or necessary for military, naval or air purposes or in the interest of national defense, the United States is authorized to reenter upon the property and use it or any part thereof, without obligation to make payment, for a period of not to exceed the duration of such period of war or state of emergency plus 6 months. Upon the termination of such use by the United States, the property would be returned to the State of Illinois together with all buildings and improvements thereon. In order to expedite action by the State, provision is made for the expiration of the authority contained in this act if the conveyance authorized in section 1 thereof is not effected within 1 year after enactment.

S. 747, as amended, is designed as a compromise measure which will enable an equitable distribution of approximately 3,900 acres of land, of which 2,400 acres are surplus property. Under the terms of the committee amendment, the State of Illinois will receive 2,446 acres at a cost to it of \$286,638, to be used for wildlife and recreational purposes, and the industrial interests in the State will be able to purchase 1,468 acres to the north of this property which is best suited for industrial purposes.

BACKGROUND

The property in question was originally part of the site of the Joliet Arsenal, which was established in 1941 as a powder manufacturing plant and a loading plant on 36,092 acres of land. On January 20, 1948, the Department of the Army made available 4,388.02 acres, comprising a portion of the Joliet Arsenal, to the Department of the Interior, which thereafter granted a permit to the State of Illinois to use the property free of charge for education and conservation purposes. The State of Illinois, through its department of conservation, has been operating this area, since March 29, 1948, as the Des Plaines Wildlife and Public Hunting Area. The original authorization, which was for a 5-year period, was extended for an additional 5-year period which ended in March 1958. Thereafter, although the permit terminated, the State continued to operate the area for wildlife and public hunting purposes.

On March 11, 1958, the Department of the Army reported 3,525.29 acres of this property and improvements thereon, to the General Services Administration as excess property. Included in its report of excess were 2,414 acres of the public hunting area which were the subject of S. 747, as introduced, and included the 946 acres previously

referred to. On March 13, 1958, the property was declared surplus. The remainder of the hunting area, consisting of approximately 1,500 acres, was retained by the Department of the Army for Reserve training and joint use under an agreement with the State department of conservation. This 1,500-acre tract, which is the subject of section 2 of the committee amendment, is not surplus property, and was not included in S. 747 as originally introduced.

The State of Illinois, acting pursuant to a 1948 act of Congress, applied to the General Services Administration for a transfer of the 2,414 acres to the State for wildlife conservation and as a public hunting area. This statute (16 U.S.C. 667b) provides that upon request, real property which is under the jurisdiction or control of a Federal agency and is no longer required by such agency, may be transferred without reimbursement or transfer of funds (1) if it can be utilized for wildlife conservation purposes of the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies; and (2) is chiefly valuable for use for any such purpose, and which, in the determination of the Administrator of General Services, is available for such use.

It appears that due to the proximity of the land to a navigable river, railroad sidings, spur lines and the development of a super-highway, the land, in the judgment of the Administrator of General Services, has become valuable for industrial purposes. Accordingly, the General Services Administration completed a plan for disposal of the property by sealed bid on December 29, 1958. The property was advertised for sale on February 2, 1959.

CURRENT DEVELOPMENTS

On January 28, 1959, Senator Paul H. Douglas introduced S. 747, in its original form. As introduced, the bill would have authorized and directed the Administrator of General Services to convey to the State of Illinois, without consideration, the 2,414 acres of surplus real property, referred to above, for wildlife, conservation, and recreational purposes. The bill also contained the usual reversionary clauses in the event that the property ceased to be used for such purposes. On January 29, 1959, Senator Douglas sent a telegram to the Administrator of General Services requesting him to discontinue current efforts to dispose of the property until the Congress had an opportunity to consider the bill then pending.

Following a series of communications between the chairman of this committee, Senator Douglas and the Administrator of General Services (hearings, pp. 3-4), the chairman (of the committee) addressed a letter to the Administrator requesting that he withhold the award until the committee had an opportunity to consider the then pending bill. The Administrator of General Services subsequently advised the chairman of the committee that the bids would be opened on March 16, 1959, and that the General Services Administration would have 90 days in which to accept or reject the bids received. He advised further that no awards would be made pending further advice from the committee.

On March 20, 1959, at an executive session of the committee, the chairman appointed a special subcommittee to consider S. 747, as introduced, and the then pending disposal. This subcommittee con-

sisted of Senator Edmund S. Muskie, as chairman, and Senators Ernest Gruening and Homer E. Capehart as members.

By letter, dated March 24, 1959, referring to the bill as introduced, the Administrator of General Services advised the chairman of the committee as follows:

GSA is opposed to the enactment of this measure because we are opposed in principle to the enactment of special legislation which has for its purpose the disposition of specific property when the disposal of such property could be accomplished in accordance with existing law of general application. If any portion or all of this property were determined to be chiefly valuable for wildlife conservation purposes, it could be transferred to the State of Illinois in accordance with existing law.

The Bureau of the Budget advised the committee that it concurred in the views expressed by the Administrator of General Services on S. 747, as introduced, and opposed favorable action on the measure.

The original acquisition cost of the property covered by the bill, as introduced, was \$615,119, of which \$416,836 was paid for the land and \$198,283 for improvements. The committee was informed that when the bids were opened on March 16, 1959, the property, which was offered in three separate parcels, brought in a high bid on all three totaling \$1,345,418, broken down as follows: parcel No. 1 (620 acres), \$499,100; parcel No. 2 (848 acres), \$559,680; and parcel No. 3 (946 acres), \$286,638. The high bidder was a wholly owned subsidiary of the Atchison, Topeka & Santa Fe Railroad. The Administrator of General Services advised that—

“Enactment of S. 747, as introduced, would result in a fiscal loss to the Federal Government in the amount of the prices bid for the property.”

HEARINGS

Hearings on S. 747, as introduced, were held by the special subcommittee on April 9 and 10, 1959. Appearing in support of the bill were Senator Paul H. Douglas; Glen D. Palmer, director, department of conservation, State of Illinois; Herman Rebhan, international representative, United Auto Workers Union; John T. Kelly, secretary, Northern Zone Association of Sportsmen's and Conservation Clubs; Burton H. Atwood, secretary, Izaak Walton League of America; William E. Hewitt, Illinois Federation of Sportsmen's Clubs; C. R. Gutermuth, vice president, Wildlife Management Institute; Royal B. McClelland, executive secretary, Illinois Federation of Sportsmen's Club; Stanley Ekedahl, president, Will County Sportsmen's Club; Floyd Zebell, secretary, Will County Sportsmen's Clubs; and Stewart M. Brandborg, assistant conservation director, National Wildlife Federation.

Appearing in opposition to the bill were Franklin Floete, Administrator, and Joseph E. Moody, Assistant Commissioner of Disposal and Acquisition, General Services Administration; Senator Everett M. Dirksen; William J. Joyce, president, Joliet Association of Commerce; James R. Keck, executive vice president, Joliet Association of Commerce; Meade Baltz, chairman, Will County Board of Supervisors; Stanley Lubick; Stanley Krzywonos, subdistrict director,

United Steelworkers of America, AFL-CIO; George W. Cox, assistant to the president, Atchison, Topeka & Santa Fe Railroad; and Charles F. Wilson, director, industrial development division, Chicago Association of Commerce and Industry.

Witnesses appearing in support of the bill, as introduced, stressed the importance to health and welfare of adequate public recreational facilities. Particular emphasis was placed upon the fact that the property in question is only about 45 minutes from the heart of Chicago and is the only site suitable for the development of a recreational area in a region which contains one of the heaviest population concentrations in that part of the United States. It was also stated that, if the land were devoted to industrial purposes, it would forever preclude its use for public recreational purposes.

Mr. Glenn D. Palmer, director of conservation, State of Illinois, indicated that the State had invested a considerable amount of money in the 2,414 acres under consideration, in the form of various types of improvements. Although he testified that approximately \$500,000 had been expended by the State for such purposes during the past 10 years, he was unable to provide any precise information to substantiate this figure. He finally indicated, however, that the State might be willing to purchase the property at a reasonable figure.

Opponents of the bill testified that although they were fully aware of the importance of recreational facilities, the area in question is ideally suited for industrial development with respect to waterways, rail spurs, transportation services, markets, and labor force; that the Joliet area has virtually become a depressed area with approximately 10 percent of unemployment, due partly to a cutback in the payroll of the Joliet Arsenal from a peak of 24,000 to less than 1,500; that the widespread unemployment in the area could be absorbed by attracting new industry; that the property should be returned to private industry so as to restore it to the tax rolls and provide taxing authorities with much-needed income; and that other parcels of land were available in the vicinity which were being used jointly by the Army and the conservationists for hunting and wildlife purposes and which were just as suitable for public hunting and recreation as the 2,400-acre parcel under consideration.

The Administrator of General Services, testified that although he fully appreciated the need for and importance of adequate recreational facilities, in his judgment, the public interest would be best served by the use of at least the major portion of the property for industrial purposes in view of its location, the available facilities, and the great industrial potential. Furthermore, the disposal of the property to industry would yield a return to the Federal Government of more than \$1 million which makes it clear that the property is not chiefly valuable for recreational and wildlife purposes.

He indicated that he believed that a compromise might be worked out under which two of the three parcels comprising the 2,414-acre tract might be disposed of for utilization for industrial purposes and the remaining parcel, comprising 946 acres of the least valuable land, might be sold to the State of Illinois at the reasonable fair market value for recreational purposes. He stated further that he was prepared to discuss the matter with officials of the State.

FURTHER DEVELOPMENTS

The basic issue developed at the hearings, as indicated in the preceding section, was whether the interests of the public and of the Government would be best served by the use of the property for recreational, wildlife, and conservation purposes or for industrial development. Furthermore, the testimony of the director of conservation, State of Illinois, and the Administrator of General Services, indicated that there was definitely an area of possible agreement between the State of Illinois and the General Services Administration relative to the ultimate disposition of all or part of the property. Accordingly, the chairman of the special subcommittee wrote to the Governor of Illinois, advising him of the basic issue developed at the hearings as well as the indication of possible agreement, and suggested that the State of Illinois might—

desire to initiate a conference with the Administrator of General Services at which time a solution to the problem may be worked out to the satisfaction of everyone concerned.

Subsequently, the special subcommittee was advised that such a conference had taken place.

Following these negotiations, Senator Everett M. Dirksen, on May 13, 1959, introduced an amendment intended to be proposed as a substitute for S. 747. This proposed amendment, which was substantially similar to section 2 of the committee amendment, provided for the transfer of the 1,500-acre tract, referred to in that section, by the Secretary of the Army to the State of Illinois, without consideration. In introducing his proposed amendment, Senator Dirksen stated, in effect, that the adoption of his proposal would be satisfactory to all parties in interest, including the State of Illinois, the conservation interests, and the industrial interests.

By letter dated June 18, 1959, the Department of the Army advised the special subcommittee that they were opposed to the proposed transfer for the following reasons: (1) the property in question is not excess to its needs and is presently being used for Reserve training purposes for reservists in the Chicago area during certain times of the year; (2) long-range plans have been formulated by the Army for year-round training exercises for 167 Reserve units with an actual aggregate strength of 12,672 personnel; (3) under the terms of an understanding between the conservation department of the State of Illinois and the commanding general, 5th Army, arrived at in June 1957, the State would continue to operate a public hunting area under a permit from the Army, and reservists while in training would not be permitted to hunt or fish; conservation areas developed by the State conservation department would be retained without interference by the military; and the area would be open for public use, except when in actual use for military training; and no training would be undertaken during the period established by the State as the pheasant hunting season.

The Department of the Army proposed, however, to transfer another tract of land, comprising approximately 1,375 acres, which is excess to its needs, located to the east and south of the 1,500 acres here in question, a portion of which had previously been reported to the Administrator of General Services as excess property. Accordingly, the Department of the Army suggested that the Dirksen amend-

ment be amended to provide for the transfer by the Secretary of the Army to the State of Illinois of an area not to exceed 1,500 acres of lands now or formerly part of the Joliet Arsenal, as determined by the Secretary of the Army to be available for nonmilitary purposes, thus enabling the transfer of the 1,375-acre tract to the State of Illinois.

By letter dated June 18, 1959, Senator Paul H. Douglas, the sponsor of S. 747, as introduced, advised the special subcommittee that the proposal of the Department of the Army was not acceptable to the wildlife and conservation interests in the State of Illinois, since the land was not suitable for such purposes.

On July 8, 1959, the Bureau of the Budget advised that it supported the position of the Department of the Army, to the effect that the Dirksen amendment be amended to give the Secretary of the Army authority to determine which area should be transferred by the Department to the State of Illinois.

COMMITTEE ACTION

The special subcommittee gave careful attention to the testimony presented at the public hearings on S. 747 and to the comments of the Department of the Army relative to the Dirksen amendment. It concluded that (1) there was a serious need for additional wildlife, conservation, and recreational facilities in the Chicago area; (2) there was also a serious need for further industrial development in that area; (3) the two northernmost parcels of surplus property, comprising a total of 1,468 acres, were most suitable for industrial development and that the best interests of the people of Illinois would be served by it being put to such use; (4) the southernmost parcel of surplus property, comprising 946 acres, was not particularly suitable for industrial purposes and was more suitable for wildlife and conservation use; (5) the 1,500 acres which were the subject of the Dirksen amendment are particularly suitable for wildlife and conservation purposes, since that tract is directly contiguous to the 946-acre tract, lying immediately to the south thereof, and is presently being put to such use under the terms of an understanding to that effect between the State conservation department and the commanding general, 5th Army; (6) the parcel offered by the Department of the Army as a substitute for the original 1,500-acre tract, lying to the south and east of the 946-acre tract, was not contiguous thereto, and is said by persons concerned with conservation matters to be unsuitable for wildlife and conservation purposes; and (7) that the Department of the Army has available to it in the Joliet Arsenal area approximately 32,000 acres of land, part of which, it appears, could easily be used for Reserve training purposes in lieu of the 1,500 acres proposed to be utilized for wildlife and conservation purposes.

Based upon these findings, the special subcommittee concluded that the best interests of the State of Illinois and the United States would be served by the adoption of a committee amendment in the nature of a substitute for S. 747, which would provide (a) for the transfer by the Administrator of General Services to the State of Illinois of the 946-acre tract of surplus property at the price originally bid for it in March 1959 of \$303 per acre or a total of \$286,638; and (b) contingent upon this purchase, the transfer by the Secretary of the

Army to the State of Illinois of the 1,500-acre tract immediately to the south thereof and contiguous with it, without compensation. This would provide the State of Illinois with a total of 2,446 acres of land at a cost of \$286,638 for wildlife, conservation, and recreation purposes which was, in the view of the subcommittee, an amount equivalent to its fair market value for the purpose for which it will be utilized. The Administrator of General Services would then be free to sell to private industry the two northernmost parcels, which are most valuable for industrial use, because of their proximity to railroads, waterways, and highways; and the United States would realize a substantial sum of money from the disposal of these properties.

After due inquiry, the special subcommittee ascertained that this arrangement was entirely agreeable to the State of Illinois, the conservation interests, and the industrial interests. Finally, the subcommittee concluded that, in view of the vast areas of land surrounding the Joliet Arsenal amounting to approximately 32,000 acres, the Department of the Army had failed to make a compelling case for the retention of the particular 1,500-acre tract in question as being essential to its training program.

CONCLUSIONS

After careful review, the committee concurs fully in the findings and recommendations of its special subcommittee.

It is the view of the committee that the amendment in the nature of a substitute, recommended by the special subcommittee, would result in the best possible land utilization by providing for an equitable distribution of the property in question for industrial use and for conservation purposes. The committee also agrees with the conclusion of its special subcommittee, that the Department of the Army has failed to present a compelling case and that there is no indication that the national defense will be impaired in any way as a result of a transfer of the 1,500 acres of Army property which are now used partially for wildlife and conservation purposes and partially for Reserve training purposes.

